IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 7854 of 1998

Between:

Jampala Madhusudhan Rao, S/o late Lakshmaiah,
P.G.Centre, P.B.S.College of Arts & Science, Vijayawada.

..... PETITIONER

AND

1 Nagarjuna University, rep by its Registrar, nagarjun Sagar Nagar, Guntur Dist.
2 Controller of Examinations, Nagarjun University, nagarjun Sagar Nagar, Guntur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records and issue a writ or order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in not issuing the M.Sc., Mathematics post graduation degree certificate with Regd.No.75 M 6, as per the resolution No.7, dt.21-9-87 of the respondent along with original B.Sc., degree bearing No.6519 and original degree certificate of M.Sc., and consequently direct the respondents to issue the Ph.D., original certificate within two weeks from the date of issue of the M.Sc., certificate and consequent application of the petitioner for the issue of his Ph.D., certificate.

Counsel for the Petitioner:MR.VENKATA RANGADAS KANURI

Counsel for the Respondents: MR. T.S. HARINATH

The Court made the following :

ORDER:

This writ petition is filed seeking a *Mandamus* declaring the action of the respondents in not issuing M.Sc., (Mathematics) Post Graduation degree original certificates with Registration No.75 M 6, as per the resolution No.7, dated 21.9.1987 of the respondents, along with the original B.Sc. degree certificate bearing No.6519 and original degree certificate of M.Sc., as illegal and arbitrary and consequently to direct the respondents to issue Ph.D. original certificate.

It is the case of the petitioner that after obtaining B.Sc. decree from Andhra University, he submitted provisional pass certificate of B.Sc. degree, Statement of Marks and other certificates at the time of his admission into M.Sc., (Mathematics) Course in July, 1975 in Nagarjuna University-respondents herein and he passed M.Sc., (Mathematics) from the university in July, 1978. The respondents-University issued marks statement and provisional certificate of M.Sc., Post-graduation to the petitioner and also returned his B.Sc. certificates. Thereafter, the petitioner joined as a research scholar in December 1978 in the department of Mathematics of respondents-University duly submitting marks certificates and provisional certificate of M.Sc. and he was awarded university Research Fellowship. In the meanwhile, the petitioner was appointed as lecturer in Andhra Jatiya Kalasala, Machilipatnam in November, 1980 and by that time the M.Sc. certificates of the petitioner were returned to him by the respondents-University to enable him to submit them to the Andhra Jatiya Kalasala. Later, the petitioner converted from a full time research scholar to a part-time research scholar and continued his association with the respondents-University and he was awarded with Ph.D. in the year 1982. Thereafter, the M.Sc. provisional certificate and marks statements of the petitioner

were returned by Andhra Jatiya Kalasala to enable the petitioner to apply for his M.Sc. and Ph.D. original degrees, but, unfortunately, it is stated, the marks statement, original certificates etc., were damaged by white ants. Therefore, the petitioner applied for a new set of certificates and they were issued on 12.5.1982, but one of these marks lists bearing No.M41 was issued to the petitioner without the signature of the controller of Examinations. The absence of signature of controller remained undiscovered till 1984 when the petitioner applied for issue of original M.Sc. degree certificate. When it was discovered, the university authorities felt the necessity for verification and reissue of a validly signed marks list and the petitioner was told that some documents necessary for verification were not traceable in the university office and hence, the matter was referred to the Executive Council, which in its deliberations on 21.9.1987 resolved to award the M.Sc., degree to the petitioner, but in that resolution, the registered number of the petitioner was wrongly mentioned as 78 M 18, instead of 75 M 6. When the said fact was brought to the notice of the respondents-University, he was verbally assured that due amendments will be made in the matter, but later the petitioner was told that the entire file has been lost, which also contained the original B.Sc. degree certificate of the petitioner. It is stated that the respondents-University verified the originals of the petitioners on the following occasions: (i) at the time of issue of original set of documents which includes provisional certificate; (ii) at the time of Ph.D., admission in the same university in 1978; (iii) at the time of issuance of duplicate certificates of Marks memos and provisional certificates in May, 1982; and (iv) basing on the entire material which is in their possession, the executive council passed a resolution dated 21.9.1987. Though the petitioner made several representations and contacted the officers concerned, there was no positive response except same vague assurance. It is the case of the petitioner that the respondents-University received his B.Sc. original degree certificate along with his application for M.Sc. original degree certificates and therefore, respondents-University is bound to issue M.Sc. degree original certificate as per the resolution of the Executive Council dated 21.9.1987 and also has to issue a validly signed marks certificate regarding M.Sc. second semester July, 1978 examination, in which the petitioner has passed. To show his bona fides, the petitioner has also gave the details about the articles and books published by him as the author and co-author and his participation in various seminars and conferences. According to the petitioner, the action of the respondents in non-issuance of M.Sc. original certificates, B.Sc. original certificates and Ph.D.

certificates is arbitrary and illegal.

Though no counter affidavit is filed, the learned standing counsel for the respondents-University strenuously opposed the writ petition. According to him, it seems the records are not available with the University and therefore, the truth or otherwise of the allegations made by the petitioner cannot be met with.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and gone through the material made available on record.

It may be noted that in view of the interim orders passed by this Court in W.P.M.P.No.9593 of 1998 in W.P.No.7854 of 1998, dated 01.05.1998 a certificate has been issued to the petitioner by the respondents-University showing that the petitioner has obtained the degree in Mathematics. But, at the back of the said certificate a note was added saying that as per the interim orders of the Court, the said certificate has been issued. The endorsement made on the back of the said certificate would definitely through a doubt in the mind of anybody, who looks it. Since there is no much opposition for granting such a relief, I am of the opinion that the respondents-University is bound to issue M.Sc.(Mathematics) post graduation certificate with Registration No.75 M 6 as per the resolution No.7, dated 21.9.1987 along with the original B.Sc. degree certificate bearing No.6519 and original degree certificate of M.Sc. within a period of three weeks from the date of receipt of a copy of this Order. The respondents-University is also directed to issue Ph.D., original certificate of the petitioner only after completing the formality by the petitioner in this regard. The petitioner is also directed to surrender the original of M.Sc. certificate issued by the respondents-University in pursuance of the interim orders passed by this Court, at the time of issuance of original certificates by the respondents-University.

With the above directions, the writ petition is disposed of. No costs.

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C.V. RAMULU,J

16th JUNE, 2005

Tsr.

To,

1 The Registrar, Nagarjuna University, nagarjun Sagar Nagar, Guntur Dist.
2 Controller of Examinations, Nagarjun University, nagarjun Sagar Nagar, Guntur Dist

3. 2 CD copies.